

# HOUSE BILL No. 1271

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-17.2-2-8; IC 12-17.2-5-1.

**Synopsis:** Child care home licensing exemption. Exempts from licensure a child care home that provides care to more than six children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative, if the provider obtains a written, notarized statement from a parent, guardian, or custodian seeking care for a child within the child care home. Requires the notarized statement to acknowledge the number of children for whom the child care home provides care and to indicate the parent, guardian, or custodian's agreement to place the child in the provider's care under the circumstances. Requires the child care home to maintain records of the notarized statements. Requires the child care home to comply with  
(Continued next page)

**Effective:** July 1, 1999.

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January 11, 1999, read first time and referred to Committee on Human Affairs.



## Digest Continued

certain health, sanitation, fire, and safety rules approved by the division of family and children. (Current law requires a child care home that provides care to more than six children, not including children for whom the child care home provider is a parent, stepparent, guardian, custodian, or other relative, to be licensed.)

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1271

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-17.2-2-8 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The division shall  
3 exempt from licensure the following programs:

4 (1) A program for children enrolled in grades kindergarten  
5 through 12 that is operated by the department of education or a  
6 public or private school.

7 (2) A program for children who become at least three (3) years of  
8 age as of December 1 of a particular school year (as defined in  
9 IC 20-10.1-2-1) that is operated by the department of education  
10 or a public or private school.

11 (3) A nonresidential program for a child that provides child care  
12 for less than four (4) hours a day.

13 (4) A recreation program for children that operates for not more  
14 than ninety (90) days in a calendar year.

15 (5) A program whose primary purpose is to provide social,  
16 recreational, or religious activities for school age children, such  
17 as scouting, boys club, girls club, sports, or the arts.

18 (6) A program operated to serve migrant children that:



- 1 (A) provides services for children from migrant worker  
 2 families; and  
 3 (B) is operated during a single period of less than one hundred  
 4 twenty (120) consecutive days during a calendar year.  
 5 (7) A child care ministry registered under IC 12-17.2-6.  
 6 (8) A child care home if the provider:  
 7 (A) does not receive regular compensation;  
 8 (B) cares only for children who are related to the provider;  
 9 (C) cares for less than six (6) children, not including children  
 10 for whom the provider is a parent, stepparent, guardian,  
 11 custodian, or other relative;  
 12 **(D) cares for more than six (6) children, not including**  
 13 **children for whom the provider is a parent, stepparent,**  
 14 **guardian, custodian, or other relative and if the provider:**  
 15 **(i) informs a parent, guardian, or custodian who seeks to**  
 16 **place a child in the provider's care that the child care**  
 17 **home is not licensed and discloses the number of children**  
 18 **who are being cared for within the child care home;**  
 19 **(ii) obtains a written, notarized statement from the**  
 20 **parent, guardian, or custodian that acknowledges the**  
 21 **number of children for whom the child care home**  
 22 **provides care and indicates that the parent, guardian, or**  
 23 **custodian agrees to place the child in the provider's care**  
 24 **under the circumstances described in item (i);**  
 25 **(iii) maintains records of statements obtained under item**  
 26 **(ii);**  
 27 **(iv) complies with health, safety, and sanitation**  
 28 **standards as determined by the division under**  
 29 **IC 12-17.2-2-4 for child care homes or in accordance**  
 30 **with a variance or waiver of a rule governing child care**  
 31 **homes approved by the division under IC 12-17.2-2-10;**  
 32 **and**  
 33 **(v) complies with fire and safety rules adopted by the**  
 34 **division under IC 12-17.2-2-4 for child care homes or in**  
 35 **accordance with a variance or waiver of a rule governing**  
 36 **child care homes approved by the division under**  
 37 **IC 12-17.2-2-10; or**  
 38 ~~(D)~~ **(E) operates to serve migrant children.**  
 39 (9) A child care program operated by a public or private  
 40 secondary school that:  
 41 (A) provides day care on the school premises for children of a  
 42 student or an employee of the school;

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(B) complies with health, safety, and sanitation standards as determined by the division under IC 12-17.2-2-4 for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under IC 12-17.2-2-10; and

(C) substantially complies with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.2-2-4 for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under IC 12-17.2-2-10.

SECTION 2. IC 12-17.2-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **Except as provided by IC 12-17.2-2-8**, a person may not operate a child care home without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a child care home without a license issued under this article.

(c) A person may not operate a child care home if:

- (1) the number of children maintained on the premises at any one time is greater than the number authorized by the license; and
- (2) the children are maintained in a building or place not designated by the license.

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